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PLEASE REPLY TO NEWARK

May 28, 2015

**VIA ECF**

Hon. A. Kathleen Tomlinson  
United States Magistrate Judge  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722-9014

**Re: *Jenkins v. Capital One, N.A.***  
**Civil Action No. 2:14-cv-5683-SJF-AKT**

Dear Magistrate Judge Tomlinson:

My firm represents defendant Capital One Bank (USA), N.A. (incorrectly pled as "Capital One, N.A.") (hereinafter, "Capital One") in the above-referenced action. I write in connection with the recently-filed Stipulation and Order Substituting Counsel, in which Capital One requested that the Court substitute my firm in place of Phillips Lytle LLP as representing Capital One in this action.

As the Court is aware, Capital One recently substituted Phillips Lytle for my firm (D.E. No. 26). The basis for that substitution was an indemnification agreement between Capital One and another entity, pursuant to which that entity could choose legal counsel to represent Capital One. The reason for the reversion to my firm is a further understanding that the indemnification agreement is not applicable to this action. Capital One does not contemplate any further substitutions.

Respectfully submitted,

s/ Daniel Ginzburg

Daniel Ginzburg

Cc: Robert Jenkins (via e-mail and ECF)

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